SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

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October 21, 2008

Steve Danley
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Hall of Administration
333 W. Santa Ana Blvd., 2nd Floor
Santa Ana, CA 92701

Steve,

I would like to thank you and your staff for your efforts in reviewing issues related to overtime in the Sheriff's Department. I appreciate your professionalism and desire to provide assistance by gathering and analyzing vast amounts of data to develop recommendations for improvement.

The following is a high level summary of the key issues related to overtime usage:

1. Most of the overtime has been worked by sworn law enforcement personnel and Correctional Services Technicians.
2. The jail system has utilized the most overtime in the Department.
3. Backfilling vacant positions and backfilling behind staff that are on vacation, out on sick leave, off to training, testifying in court, and other absences are the reasons for the largest amount of overtime usage.
4. Existing policies on overtime were written at a high level, allowing more flexibility to individual Divisions to manage overtime based on their particular needs. For better control, these policies need to be expanded and specific policies need to be developed for each Division that address their specific requirements.
5. Individuals were previously allowed to work significantly more hours per pay period than allowed by policy.
6. Upgrades to our timekeeping and scheduling systems can improve tracking and management of overtime.

Attachment I includes responses to each recommendation. In addition, I think it is important to understand some of the background related to staffing issues that have affected overtime usage in the Department.

Background:
To provide context to the overtime issue, it is important to understand certain conditions that have occurred over the last 5 years. When hiring law enforcement personnel, there is a lengthy process to recruit, complete a background check, complete a 6 month basic academy course, and complete on-the-job training before a deputy is trained to fill a vacant position.

PROUDLY SERVING THE UNINCORPORATED AREAS OF ORANGE COUNTY AND THE FOLLOWING CITIES AND AGENCIES:

ALISO VIEJO • DANA POINT • LAGUNA HILLS • LAGUNA NIGUEL • LAGUNA WOODS • LAKE FOREST • MISSION VIEJO
RANCHO SANTA MARGARITA • SAN CLEMENTE • SAN JUAN CAPISTRANO • STANTON • VILLA PARK
OC PARKS • DANA POINT HARBOR • JOHN WAYNE AIRPORT • OCTA • SUPERIOR COURT

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This process can take a year to complete. In an ideal world, the Department would have enough recruits completing the process to fill vacancies as they occur.

Over the past several years, there has been a shortage of qualified applicants for sworn law enforcement positions across the State. Some jurisdictions have lowered their minimum hiring standards in order to fill positions. Other jurisdictions have maintained their standards but increased recruiting efforts in order to fill positions. At least one jurisdiction went as far as offering a $5,000 bonus for new recruits. Adding to the difficulty in filling vacant positions, in 2003, the Department was anticipating severe funding shortages. The Department froze positions and stopped new basic academies to reduce costs. The vacancy rate for sworn positions rose to over 10%. As it turned out, the economy continued to expand and Prop 172 revenue came in over budget. While the funding was available to fill the vacant positions, there was a shortage of new recruits in the pipeline. Therefore, overtime was used to fill vacant positions.

When the Department determined funding was available to fill positions, it made the tactical decision to not lower its minimum hiring standards and instead to increase advertizing and recruiting efforts in order to fill vacant positions. Recognizing that the strong economy of the mid 2000's offered alternate employment opportunities to potential recruits, it was anticipated that increased overtime would be required and those costs would be offset by salary and benefit savings created by the vacant positions.

The Statewide shortage of qualified applicants was occurring at a time in which the Department was expanding its jail operations due to the opening of Buildings A, B, and C at Theo Lacy (which more than doubled the inmate population at that facility). In addition, there were requests from Contract Cities for more field operations personnel, the implementation of the Immigration and Customs Enforcement (ICE) program in the jails, the creation of a unit to review compliance with and to update jail procedures and conduct training specific to jail operations, and requests from the Court for more security personnel to operate weapons screening stations at each courthouse. As positions were added, there were not enough recruits to fill the positions so overtime was used to ensure that critical public safety services were provided. In addition, because of the high number of vacant sworn positions, the Department and CEO mutually agreed that the final 40 sworn positions for Building B at Theo Lacy would not be given to the Department until the Department was able to fill them. Instead, the Department would use overtime to operate Building B, which incarcerates over 500 criminals.

The Department has had to juggle vacancies and still provide critical public safety services. As discussed in this report, the jails are the largest users of overtime. This is primarily due to the Department's deployment practices of filling a higher percentage of patrol positions to fulfill our contracts and using more overtime in the jails because there are more deputies in the jails to whom the overtime could be spread.

The report also indicates that the audit team perceived an "inattention to overtime" over the last few years. While I have no firsthand knowledge of this, I have attached three memos, (Attachments II, III, and IV) during that time that addressed overtime issues and reminded staff of the Department's overtime policies.

In addition, the Sheriff's budget section sends monthly budget status reports to each Division Commander which includes a monthly comparison of overtime spent vs. overtime budget for that Division. Clearly, the primary focus was on utilizing overtime to fill vacant positions; however, as pointed out in this report, policies must be improved.

Cost Impacts:
As noted in this report, it is slightly less expensive to utilize overtime for sworn positions than it is to hire full time employees. Although use of overtime is less expensive than full time staffing for sworn positions, the Department did not intentionally keep a high vacancy rate with the intention of using overtime to generate cost savings. The Department put as many qualified applicants into the basic training academy as was possible at that time.

Overtime is one component of the Sheriff's Department's budget. From a budget standpoint, the savings in salaries and benefits from vacant positions offset the increase in overtime cost. When adding overtime with the other Salary and Benefit accounts, the Department has finished under budget each of the last five years by an average of 4% ($14 million). In addition, over the last five years, the Department's entire main operating budget has finished under budget by an average of 5.5%.

Jail Audit:
The Board approved a contract with the consulting firm of Crout and Sida to perform a comprehensive audit of the entire jail system. A component of the study focuses on the appropriate staffing levels for each jail facility. The study will consider options for expanding the use of non-sworn positions working in the jail system, which could result in significant cost savings. The final report will be presented to the Board in November. During periodic status meetings, the consulting firm has indicated that they did not observe excessive use of overtime in the jails. In fact, they have observed that the Orange County jail system is staffed at a much lower level (including the overtime positions worked) than comparable jail systems across the State.

The jail audit will also look at possible schedule changes that could reduce overtime. In April, 2008, the Department made changes to the schedules at Theo Lacy that are intended to reduce overtime. We are hopeful that other changes will be identified in the jail audit that could allow further savings.

Looking to FY 08-09:
Over the last year, the Department has been successful in attracting recruits and filling vacant positions. The current vacancy rate for sworn positions is currently about 4%.

As discussed above, even though a position is newly "filled", the new employee will be in the academy and then in on-the-job training for 7 to 8 months. Other employees will be working overtime to fill that shift until the new employee is fully trained. Therefore, as the number of vacant positions decreases, there will be a lag of about 8 months before we will see a corresponding decrease in overtime. With the reduction of vacant sworn positions, the Department is anticipating a decrease in overtime and budgeted about $11 million less for overtime in FY 08-09 than was actually spent in FY 07-08.

With overtime being a large expenditure for the Department, this report provides valuable statistical analysis of trends, practices, and procedures to help the Department manage and track overtime costs. Of primary concern has been the number of employees that significantly exceeded the Department's policy of working no more than 48 hours of <u>planned overtime</u> in any one pay period. In May, 2008, the Department developed a bi-weekly report that identifies those individuals that exceed 48 hours of <u>total overtime</u> (not just planned overtime). Division Commanders are expected to verify that the overtime was authorized or address the issue with the appropriate action or discipline if warranted. I am supportive of the audit team's recommendation that the Department's scheduling system be modified to track overtime as it is being scheduled so supervisors will know how much overtime an employee is signing up for before that employee exceeds the policy limit. In addition, this report contains recommendations to help the Department expand policies on the use and management of overtime, identifies topics that could be negotiated with employee unions to reduce overtime, and creates historical data bases that can be used to analyze overtime in the years to come.

Again Steve, I would like to thank you and your staff for your help in addressing this issue.

Sincerely,

Sandra Hutchens
Sheriff-Coroner

Attachments

Cc: Tom Mauk, CEO
       John M. W. Moorlach, Board Chairman, Board of Supervisors
       Pat Bates, Vice Chair, Board of Supervisors
       Janet Nguyen, Supervisor, Board of Supervisors
       Bill Campbell, Supervisor, Board of Supervisors
       Chris Norby, Supervisor, Board of Supervisors

Overtime Audit of the Sheriff-Coroner Department

Findings

Finding 1   Overtime is caused by a variety of factors, the most common being the filling of position vacancies. In addition, several ongoing practices and specific events have and continue to significantly impact overtime usage and cost at OCSD.

Recommendations

1.1   Discontinue the practice of artificially maintaining vacant positions, and utilize a realistic vacancy factor. Use a variety of management tools, including staffing assessments and cost analyses, to determine when overtime or filling positions is the best practice. Any positions that are deemed unnecessary by the staffing assessment and are vacant, need to be deleted.

Response:
In the past, the Department's actual vacancy rate has been well above the budgeted vacancy rate. Last year, the Department was able to fill many positions and the budgeted vacancy rate this year is in line with actual vacancies. The Department has been hiring as many individuals for sworn positions as we could that met our minimum standards and could graduate through the academy.

The current jail audit will assess staffing levels in the jail system. In FY 2007-08, the 50 long-term vacant positions were deleted. Due to projected funding shortfalls, the Department is reviewing all aspects of the Department (including staffing levels) for possible cost savings without impacting services.

1.2.1   Seed additional funding for the ICE program from the U.S. Department of Homeland Security to compensate for the cost of these positions.

Response:
The ICE program benefits all residents countywide, to date having placed over 7,000 detainers on undocumented criminals both operating and arrested within the County of Orange since the program's conception in February 2007. Possible Federal funding streams will be pursued to provide ongoing funding of the ICE program.

1.3   Follow through as soon as possible with current OCSD efforts to discontinue Sheriff Deputy guarding of other local police jurisdiction arrestees who stay longer than 24 hours in the hospital. It is estimated that the discontinuation of this practice will save OCSD between $1-2 million of overtime costs every year, according to Theo Lacy staff analysis.

Response:
In August, the City police chiefs were notified of the change that will be effective January 1, 2009.

1.3 Re-evaluate the current practice of sending Sheriff Special Officers to Academy training once they have already begun working at the jails to determine if this sequence is the most efficient from a cost and management perspective.

Response:
An efficiency study will be conducted of the hiring practices of Sheriff's Special Officers and the sequencing of their academy training to seek the optimal arrangement. However, it will not have a significant impact on cost. If we don't hire SSOs before the academy, we would have to use overtime to cover those vacant positions.

1.5   Use Extra Help employees to cover short term, critical vacancies where feasible. This recommendation will require an exemption to the recent prohibition against using Extra Help retired employees, which was recently implemented by the CEO Office as part of the County-wide cost-saving strategy. This exemption is recommended in this particular instance as it will provide an immediate financial benefit to OCSD and the County.

Response:
The OCSD concurs with this recommendation. We have been processing extra help requests through CEO for approval.

1.6   Examine the feasibility of re-establishing permanent shift relief positions to cover for daily absences.

Response:
The OCSD concurs with this recommendation. This issue is being addressed as a part of the jail audit that is currently in process and we will assess the other areas of the Department following completion of the jail audit.

1.7   It is the responsibility of immediate supervisors to approve shift extensions. OCSD should provide these supervisors with guidelines for approving shift extensions as well as tools to monitor this overtime category.

Response:
Guidelines for shift extensions on an overtime basis will be included in new policies. Where possible, shift extensions will be limited when other existing personnel on their regular shift can complete assignments such as booking and transportation to the jail.

1.8   Establish a detailed policy that addresses the appropriate use of OCSD resources for special event coverage. Specifically, OCSD needs to determine whether or not coverage of special events is creating problems with internal operational coverage (on overtime or otherwise), even though most events are reimbursed by outside agencies.

Response:
Staffing coverage for annual special events such as the Orange County Fair, July 4th events, marathons, heritage parades and other such events have been analyzed. With proper planning and preparation these events do not create internal operational problems as they are an addendum to on-going routine operations. Because of the size of the OCSD, staffing needs for special events can be met without impact to internal operations. Staffing commitments to special events in the past have always been met. Meeting special event commitments were only strained when department-wide vacancy factors were above 10%. This should not be an issue as vacancy rates have decreased to about 4% recently.

Findings

Finding 2   There is no evidence to suggest that comprehensive staffing analyses were developed for most OCSD Divisions to determine appropriate work schedules.

Recommendations

2.1   Perform a Staffing Assessment in all areas where overtime is an issue and, using this information, adjust work schedules as necessary to increase operational effectiveness and efficiency.

Response:
Staffing assessments take place in formal and informal processes. In April, 2008, the Department recognized that it could reduce overtime by adjusting the starting times at Theo Lacy for certain night shifts. In FY 2007-08, 50 long-term vacant positions were deleted. Currently, a formal audit of the entire jail system is in process and will address staffing issues. Also, due to potential funding shortfalls, the Department is reviewing all areas (not just areas with high overtime) for potential savings and cost effectiveness.

2.2   After OCSD makes determinations on proposed work schedule changes, meet with the Human Resources Department to discuss notification and/or meet and confer obligations with labor associations.

Response:
The OCSD concurs with this recommendation.

Findings

Finding 3   MOU provisions have significantly impacted the cost of overtime.

Recommendations

3.1   OCSD and the Human Resources Department should begin meeting now to formulate a negotiating strategy, particularly in light of the difficult financial situation faced by the County, and OCSD's need to curtail overtime expenditures.

Response:
The OCSD concurs with this recommendation. Also, the Department is looking for ways to reduce any cost without significant impacts to services, not just overtime.

3.2   A financial and operational analysis of each proposed salary or benefit enhancement should be completed prior to its inclusion on the slate of possible offerings or being agreed to at the bargaining table.

Response:
The OCSD concurs with this recommendation.

Findings

Finding 4   Combined Jail operations account for 42% of all overtime costs and 45% of all overtime hours. Other relatively large sources of overtime include: the cumulative costs of providing police services to the contract cities and special districts, Orange County Courts, North Patrol Operations, Transportation Division, and Airport Detail.

Recommendations

4.1   OCSD should concentrate its efforts to improve overtime management in the areas that have the highest overtime usage and cost, beginning initially with overtime issues in the Jail facilities.

Response:
The OCSD concurs with this recommendation. Based on recommendations in the report, better processes for time keeping have been implemented in the jails. In addition, the jail audit will provide a detailed staffing analysis.

4.2   OCSD should closely monitor the results of the consultant assessment to determine the feasibility of using private security at John Wayne Airport, develop contingency plans as necessary, and support any reasonable opportunities to achieve overtime cost savings.

Response:
The OCSD concurs with this recommendation.

Findings

Finding 5   91% of all OCSD overtime costs are concentrated in six position classifications: Deputy Sheriff I, Deputy Sheriff II, Sergeant, Investigator, Sheriff Special Officer I/II, and Correctional Services Technician.

Findings

Finding 6   Lack of a comprehensive overtime policy and monitoring procedures results in increased overtime.

Recommendations

6   OCSD Executive staff should articulate an overall philosophy toward overtime, and then develop and distribute policies and standard operating procedures that convey that philosophy and delineate acceptable practices. These policies need to be specific so that line managers can easily understand their parameters and strictly enforce the department wide guidelines. Overtime management should be included as a subset of the appropriate evaluation criteria in annual performance evaluations of managers. These policies should also drive any

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improvement or upgrade of system tools (IT or otherwise), so that managers have an alignment between means and tools.

Response:
The OCSD concurs with this recommendation. The OCSD overtime policies will be updated to more specifically address the department's overall philosophy to include delineated standard practices to serve as a guideline to line supervisors and managers. These policies will also be integrated into systems upgrades to ensure alliance between policy and compliance/monitoring apparatus.

Findings
Finding 7   Employees that work the highest amounts of overtime also engage in certain practices that allow them to maximize overtime.

Recommendations
7   Establish and enforce detailed policies and procedures to address what is and what is not acceptable in regard to overtime usage.

Response:
As in Recommendation #6, the OCSD will ensure overtime policy is clear to include delineated standard practices to serve as guidelines to line supervisors and managers.

Findings
Finding 8   Overtime budgets in high-user Divisions often bear no reality to anticipated expenses.

Recommendations
8   Budget anticipated/realistic overtime expenses in each Division Budget Org and appropriately reduce the amount budgeted to overtime in non-Distributed Appropriations Org 900.

Response:
In past years, actual vacancy rates exceeded budgeted vacancy rates. However, when budgets are developed in February of the preceding year, it is not known which Divisions will carry vacancies because promotion and transfer decisions are made each week throughout the year. Attachment II is an example of how just one week's rotations can have a significant impact on overtime in the jails. If a Division has a high rate of vacancies those salary savings will offset higher than budgeted overtime costs.

In February, 2008, the FY 2008-09 budget was developed with realistic overtime expectations and the budgets have been reviewed with each Division Commander. As the year goes on, there will be rotations and there could be emergencies (like the Santiago Fire and Floods last year) and other circumstances that will affect Divisions' overtime. These issues will be dealt with as they occur.

It is worth noting that the description of the Department's budgeting practices described in the report does not accurately reflect the budget practices (this was probably not explained clearly to the Audit Team). The County's budget system calculates direct salary and benefits based on

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current positions and "known" salary increases that have been negotiated for implementation during the year. In years in which labor negotiations occur mid-year, the system does not include appropriations for such increases (because they are not known). To make sure the Department can cover mid-year salary increases, the Department includes an estimate for those increases in the overtime object in Org 900. This has been coordinated with CEO budget staff.

FY 2008-09 does not have any mid-year unknown salary increases and most of the appropriations budgeted in Org 900 – Overtime is to backfill overtime costs for the jail rotation program in which jail staff rotate to patrol assignments on a temporary basis. These appropriations were budgeted in Org 900 because it was not known from which jails the staff would rotate from and it was not known if we were going to continue the program if financial conditions continued to deteriorate. As it turns out, we have discontinued the program.

Findings

Finding 9   The Overtime Budget Object (0103) is not a fully accurate representation of true overtime costs.

Recommendations

9   Given the current Chart of Accounts Review associated with the CAPS+ Upgrade, OCSD Financial and the Auditor-Controller should review which payroll codes are included in the "Overtime" expenditure object (0103), and determine if any modifications would help OCSD management more accurately track and budget for overtime in the Department as a whole and at specific locations within the Department.

Response:
The OCSD concurs with this recommendation and will work with the County Auditor-Controller to incorporate appropriate modifications to more accurately track and budget for overtime expenditures in object (0103). We assume this is an issue that affects other Departments.

Findings

Finding 10   The InTime system is not fully utilized to manage and control overtime.

Recommendations

10.1   OCSD should implement a written policy requiring complete and accurate updating of InTime to properly reflect actual hours worked.

Response:
The OCSD will work with the InTime vendor to maximize the use of the system's capability to better meet the department's operational and scheduling tracking needs, and will implement written policy to ensure timely and accurate updating of schedules.

10.2   Continue efforts to utilize the InTime system to prepare daily Sign-in sheets electronically.

Response:
The OCSD will work with the InTime vendor to produce Sign-in sheets so that scheduling rosters are accurate.

10.3   OCSD should determine additional training required to fully utilize InTime features. Professional staff should be trained as core Trainers to ensure consistent training is provided to all schedulers.

Response:
As the InTime features are expanded and corresponding written policies are developed, a training program will be implemented.

10.4   OCSD should evaluate the InTime Overtime Management module on a three month basis as provided in the InTime contractor's July 2008 Training Proposal to determine if the module will provide effective overtime monitoring and control.

Response:
This evaluation will precede the department's implementation of the response to Recommendation 10.3.

10.5   OCSD should evaluate whether InTime can be used across all OCSD Divisions.

Response:
This evaluation will precede the department's implementation of the response to Recommendation 10.3.

10.6   OCSD should evaluate the current system configuration to determine whether changes will enhance monitoring and control practices.

Response:
This evaluation will precede the department's implementation of the response to Recommendation 10.3.

Findings

Finding 11   There is a lack of integration between the Payroll system and the InTime Scheduling System.

Recommendations

11.1   InTime should be integrated with the updated Payroll system to eliminate the manual entry of work hours. Such integration would yield substantial cost and resource efficiencies after an initial investment.

Response:
We are currently planning an upgrade of our timekeeping system. We agree that the timekeeping system and InTime Scheduling System should interface with each other. Our scope of work and RFP states that both should interface but the timekeeping system would not be dependent on scheduling to run payroll. In the scope of work, the scheduling system would download at the beginning of each pay period to the timekeeping system. There would only be additional data input for exceptions to the biweekly work schedule of an employee. The scheduling system would need to be expanded to include all Sheriff employees and then all work schedules could be downloaded into the timekeeping system. Financial and Support Services are working on a test of posting hours in InTime and sending to Payroll.

11.2   There needs to be better coordination or a change in reporting relationships to facilitate decision making between the Financial and IT sections.

Response:
Financial IT and Support Services do coordinate well. Support Services does not access the County CAPS systems. The CAPS system is of a financial nature and Financial IT supports this in coordination with the Auditor-Controller Department. The InTime scheduling system was not originally designed to be a component of Payroll. If it is to be expanded to all Sheriff employees and when the timekeeping system is going through upgrading, there will be a coordination of duties.

Findings
Finding 12   Payroll system control weakness.

Recommendations
12   Upgrade the Payroll system to allow for inputting more Premium Pay types, and restrict access to payroll production data to only Payroll personnel once this upgrade occurs. In the interim, Sheriff-IT should establish a verification report of any changes made to the payroll text file, which can be reviewed by payroll staff prior to submission of data to the Auditor-Controller.

Response:
The scope of work for the upgraded timekeeping system includes the ability to input many Premium Pay types. In the interim, Sheriff – Financial IT will program a verification report after the close of every pay period. This report will be reviewed by the Payroll Manager and Supervisor before submission of data to the Auditor-Controller.

Findings
Finding 13   No central management and control of employee premium pays.

Recommendations

13   In the near term, articulate the specific responsibilities of each unit currently involved in entering and monitoring premium pays. In the long term, ensure that any future upgrade of the payroll system allows for centralized input of all premium pays by one designated unit.

Response:

The current County CAPS – HR/Payroll system does not allow for centralized input of all premium pays by one designated unit due to the security setup and access to master tables. There are certain premium pays that are paid to an individual every pay period (such as bilingual pay) and certain premium pays paid monthly (like car allowance), regardless of how many hours an employee is paid. There was no need to input the pay code on a timesheet every pay period for these types of premium pays. A policy decision was made in 1991 by the CAPS implementation team that the Sheriff's HR staff would input bilingual pay on an HR master screen and Auditor-Controller-Payroll would input POST pay in a payroll master screen. There are master tables assigned to HR that include some pay types and other master tables assigned to Auditor-Controller-Payroll. The rest of the premium pays were to be posted to the employee's timesheet whenever those hours were worked. There have been two changes within the past couple years. Sheriff's HR staff now inputs POST pay on an employee's record. A new type of premium pay, Transportation of Inmates or TI is input to an employee's record by Auditor-Controller after receiving a list from Sheriff's HR staff. This issue will be considered during planning of the new CAPS+ HR/Payroll system.

Findings

Finding 14   Some control deficiencies were identified with the overtime timekeeping process at Jail facilities.

Recommendations

14.1   OCSD should implement and enforce controls to ensure that overtime justifications are accurately recorded.

Response:

The use of proper overtime justification codes and their accuracy will be reinforced by training and management oversight in accordance with new written overtime policies.

14.2   OCSD Financial should ensure that there are sufficient justification codes available to operations managers for the adequate tracking of overtime in each category.

Response:

Focus group evaluations composed of operations managers will identify which justification codes are necessary and needed to provide tracking of overtime for resource allocation, budget management, and accountability.

14.3   The practice of Sergeants assigning and approving their own overtime should be discontinued and approval should be done at the appropriate management level.

Response:
Management level approval of supervisory overtime will be a function of training and management oversight in accordance with new written overtime policies.

14.4   Timesheet approval responsibilities should not be delegated below the management level.

Response:
Timesheet approval will be a function of management oversight in accordance with new written overtime policies.

14.5   OCSD should develop department-wide overtime reports that are consistently distributed on a monthly basis utilizing automated data from CAPS, InTime, or other automated sources. Requests for additional overtime reports should be discussed with Financial & Administrative Services to utilize appropriate system tools and controls to ensure accurate reports are generated.

Response:
OCSD is currently doing this. Each Division commander receives a monthly budget report that includes monthly overtime expenditures compared to budget. In addition, overtime reports that track excessive use of overtime by individuals are being generated from the Sheriff Timekeeping system and distributed biweekly. Financial IT staff are involved with programming and guidance for additional requests for data. Divisions contact the Payroll manager on a regular basis for additional reports on individuals or specific coding for multiple pay periods. Overtime (and the entire budget) is also discussed with each Division's management team in regularly scheduled budget meetings in August and December, and at various times throughout the year when issues arise.

Findings

Finding 15.1   The marginal, hourly cost of either approach (filling with overtime or filling with a new deputy) will always be the same. Therefore, there is no "cross-over" or "break even" point, but rather a decision to do one or the other.

Finding 15.2   It is cheaper to fill a vacant position with overtime rather than to hire a new employee to fill the position for a Deputy Sheriff I, Deputy Sheriff II, Investigator, and Sergeant.

Finding 15.3   It is cheaper to fill a vacant position by hiring a new employee rather than to fill it with overtime for Sheriff's Special Officers and Correctional Service Technicians.

Finding 15.4   The cost differential is less than 10% for filling with overtime compared to filling with a new employee. This is true across all of the major six classifications examined.

Recommendations

15.1   Fill any vacant Sheriff Special Officer (SSO) and Correctional Service Technician positions in order to achieve cost savings.

 Response:
The OCSD concurs with this recommendation. 22 SSOs will be graduating from the academy in November.

15.2   Despite the fact that using overtime to fill vacant safety positions may be incrementally cheaper, OCSD needs to create a comprehensive overtime policy that puts in place the procedures necessary to ensure that the risks associated with fatigue do not rise to such a level that they outweigh any cost savings.

Response:
The OCSD concurs with this recommendation. But it is not the policy of the Department to keep safety positions vacant and use overtime to realize savings. Until recently, the Department has been hiring as many safety positions that meet the minimum qualifications and can graduate from the academy as possible. Currently, the Department is slowing its recruiting efforts because the vacancy rate for sworn positions down to about 4%. Additionally, there is a study to determine appropriate staffing levels and if/how many non-sworn positions should be used to operate the jails. Once that issue is determined, the Department will set hiring goals to achieve full staffing for all classifications, thus reducing overtime.

ORANGE COUNTY SHERIFF'S DEPARTMENT
Santa Ana, California

TO: All Personnel

FROM: Undersheriff Jo Ann Galisky

DATE: December 21, 2007

RE: Operations and Corrections Commands - Transfers and Overtime

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The December 14th transfer of twenty-one Deputy Sheriffs from Jail Operations to Patrol (effective January 4th) was enacted to offset a drop in staffing levels expected to occur in April due to promotions, transfers and retirements. These Deputies will complete their patrol training in April and assume their assignments therefore precluding any drop in service levels to our contract cities and unincorporated areas.

This transfer will however significantly raise the number of vacancies in Jail Operations that will require overtime staffing to fill. Shift vacancies associated with these twenty-one transfers will be maintained at the Central Jail Complex (CJX) and the Theo Lacy Facility. Associated overtime will be arranged and coordinated from these two divisions.

Overtime opportunities due to these transfers will be filled in the following priority:

1) CJX and Theo Lacy personnel will have the first opportunity to sign up for and work shifts in their respective divisions.

2) Remaining vacancies will be published Department-wide. Any Deputy Sheriff or Investigator will be eligible to sign up for these shifts.

If sufficient vacancies are not filled by the above listed means, the Department will consider the assigning of mandatory overtime shifts to ensure the continuous safe operations of the jails. As a reminder, the Department has an imposed limit of overtime hours that can be worked in a pay period without approval. The Manual of Rules and Regulations state:

1.05.0 Assignments, Shift Changes, Overtime and Intra-Departmental Transfers

4   No employee shall be allowed to work more than 16 consecutive hours except in an emergency

7   Assistant Sheriff approval is required prior to any employee overtime exceeding two shifts per workweek or four shifts per pay period.

If you are interested in working these shifts, please contact Sergeant Alan Phillips (714-647-6007) at the CJX or Sergeant Chris Wilson (714-935-7676) at the Theo Lacy Facility

Thank you for your hard work, dedication, and cooperation as the Department acts to fill its staffing needs while continuing to provide excellent levels of service to the community

ORANGE COUNTY SHERIFF'S DEPARTMENT
Santa Ana, California

TO: All Department Employees

FROM: Captain Tim Board, Professional Standards Division

DATE: January 16, 2007

RE: Overtime Rules

As you know the Department requires that all eligible employees receive overtime compensation for any legitimate overtime hours worked. Below are detailed rules to ensure compliance with this policy.

The following provisions apply to all sworn and professional staff employees (including those with supervisory responsibilities) who are eligible to receive overtime compensation:

- No work may be done outside the employee's scheduled work hours unless approved in advance by his/her immediate supervisor. Court appearances and emergency situations requiring immediate law enforcement intervention or other immediate response are exceptions. In these critical situations, the employee shall notify a supervisor of his/her overtime status as soon as the incident or situation allows the employee to do so, but in no event later than the end of the employee's scheduled work shift for that day.

- The employee shall not perform Department duties outside his/her scheduled work hours without reporting overtime worked on his/her timesheet. Department policy is that all legitimate overtime shall be compensated. The Department does not permit employees to work overtime without compensation.

- Employees shall take their breaks and lunch periods during their work shift. Employees who submit daily logs or other documentation of their activity shall ensure that the reports accurately document both their "free time" as well as their duty time. Employees who are not released for a free-time lunch period must record their overtime, and they will be paid for actual time worked.

- To account for all hours (or fractions of hours) worked by all employees, all time worked whether pre-approved or not, shall be documented. This means that all employees who complete a sign-in/out sheet or any record of their time, shall include their official shift start time, the actual time they began work on Department business (if earlier than their official start of watch), and their end of shift time (which means the actual time they ceased working on any Department business). Moreover, employees are required to use the correct overtime code when documenting their overtime. Failure to request overtime compensation for any overtime worked, whether pre-approved or not, is a violation of Department policy

- Under no circumstances may an employee who is eligible to receive overtime compensation maintain overtime hours in an informal manner that is inconsistent with established Department policies and procedures. No supervisor shall request or permit an employee to maintain overtime hours in an informal manner.

- It is a violation of Department policy to unnecessarily inhibit by action, statement, or other means any employee's legitimate submission of a report of lawfully earned overtime. If an employee worked the overtime, then the employee is required to submit for the overtime, and shall do so without adverse comment or action.

Any knowing violation of these rules by any employee, regardless of rank, title or position, will be immediately investigated and, if sustained, will be considered misconduct and may result in discipline. Any employee who becomes aware of a violation of these rules shall promptly report the violation to the Professional Standards Division.

ORANGE COUNTY SHERIFF'S DEPARTMENT
Santa Ana, California

TO: All Department Personnel

FROM: Sheriff Michael S. Carona

DATE: Monday, May 29, 2006

RE: Overtime Distribution Process

Based on operational goals and objectives, it may be necessary, at times, to schedule overtime for our personnel. Overtime is available in a variety of areas throughout the department and all qualified personnel may request overtime in another division. Please review the following information that is being provided to clarify and encourage consistency of the overtime distribution process throughout the Department:

- The selection of the most senior employee to fill the announced vacancy shall not be automatic. The employee must hold the same classification as the vacancy and must be able to meet all training, experience, qualifications and requirements for the vacancy as determined solely by the department. The overall needs of the department as determined by the Sheriff-Coroner will be a determining factor.

- Personnel assigned to the affected division(s) will be offered overtime shifts prior to *qualified* employees assigned to other divisions. All reasonable efforts will be made to ensure that personnel from the affected division(s) are provided the initial opportunity to accept or decline the opportunity to work the overtime. In cases where overtime arises at "the last minute," **reasonable and timely efforts** will be made to contact personnel from the affected division who may be available to work that overtime before calling personnel assigned to other divisions.

- *Qualified* employees in other divisions will be afforded the opportunity to work the remaining overtime shifts not covered by personnel from the affected division. As required by Department Rules and Regulations Title 1, Section 1.06.5 "it is the responsibility of all employees to report all overtime hours to their supervisors, regardless of where the overtime was worked."

As a reminder, overtime may not exceed two shifts per workweek or four shifts per pay period <u>unless prior approval is received by the employee's current Division Commander</u>.

Your compliance with this established practice is appreciated.